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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:

**Hipólito Rivera Santos,
Flora Colón Santiago,**

Debtors

Banco Popular de Puerto Rico,
Movant,

Hipólito Rivera Santos,
Flora Colón Santiago,
Debtors-Respondents,

José R. Carrión Morales,
Trustee

CASE NO: **14-03840-ESL**

CHAPTER: **13**

MOTION REQUESTING ENTRY OF ORDER LIFTING THE AUTOMATIC STAY

TO THE HONORABLE COURT:

COMES now movant, **Banco Popular de Puerto Rico**, hereinafter referred to as "BPPR", through the undersigned attorney, and very respectfully alleges and requests:

1. On May 8, 2015, BPPR and the Debtors (collectively the "Parties") filed a stipulation to include the pre-petition and post-petition arrears incurred with BPPR in a Post Confirmation Modificacion Plan. [Refer to Docket Entry Number 35].
2. The Debtors agreed that should they fail to make two (2) or more of the post-petition monthly installments due to BPPR, by the 16th of the month in which

the payment is due, the automatic stay will be deemed lifted in favor of BPPR in relation to the above described property with the mere filing of an informative motion to that effect, without further notice or/and without the need to celebrate a hearing, that is the stay will be lifted automatically.

3. The Debtors also agreed that the monthly payments were going to be resumed on April 2015.

4. The Debtors failed to cure the post petition arrears as agreed.

5. The Debtors have not made the monthly installments due to BPPR, having incurred in a total of **3** post-petition installments in arrears to BPPR for a total amount of **\$1,116.80**. [See **Exhibit 1** attached hereto and made part hereof for an itemized statement of the arrearage]. Consequently, pursuant to the agreement between the parties the automatic stay is lifted in favor of BPPR.

6. As to that effect, we hereby respectfully request that an order granting relief from stay be entered in favor of BPPR.

7. Attached hereto as **Exhibit 2** is the non-military service affidavit required for the entry of an order by default by the Servicemembers' Civil Relief Act, 50 USC Appx. §521.

NOTICE TO ALL PARTIES IN INTEREST

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be

Case No. 14-03840-ESL

Motion Requesting Entry of Order

deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise. If no response is filed within the prescribed period of time the Court may enter an order granting the relief herein requested.

RESPECTFULLY SUBMITTED

I HEREBY CERTIFY that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Chapter 13 Trustee, José R. Carrión Morales and to the debtors' attorney, Roberto Figueroa Carrasquillo. I hereby certify that I have mailed by United States Postal Service a copy of this motion to the all of the creditor included in the attached Master Address List.

In San Juan, Puerto Rico, this 11th day of November, 2016.

MARTINEZ & TORRES LAW OFFICES, P.S.C.

P.O. Box 192938 San Juan, PR 00919-2938

Tel. (787) 767-8244 & Fax (787) 767-1183

/s/ Patricia I. Varela Harrison

By: Patricia I. Varela Harrison

USDC -PR 224802

pvarela@martineztorreslaw.com

Document Page 4 of 6

STATEMENT OF ACCOUNT

DEBTOR:		HIPOLITO RIVERA-SANTOS		BPPR NUM:		XXXXXX0549	
BANKRUPTCY NUM:		14-03840		FILING DATE:		05/12/14	
SECURED LIEN ON REAL PROPERTY							
Principal Balance as of		11/01/15				32,268.74	
Accrued Interest from		10/01/15 to		11/30/16		2,592.99	
Interest:	7.000%	Accrued num. of days:	419	Per Diem:	6.188525		
Monthly payment to escrow							
Hazard	\$0.00	Taxes	\$0.00	MIP	\$0.00		
A&H	\$0.00	Life	\$0.00	Escrow Advance	\$0.00		
Total montly escrow		\$0.00	Months in arrears	11	Escrow in arrears	0.00	
					Accrued Late Charge:	152.53	
Advances Under Loan Contract:							
Title Search	\$50.00	Tax Certificate	\$0.00	Inspection	\$0.00	360.00	
Other	\$310.00						
Legal Fees:						1,551.00	
Total Estimate due as of		11/30/16				36,925.26	
AMOUNT IN ARREARS							
PRE-PETITION AMOUNT:							
11	payments of	\$349.00	each one				
		acummulated lated charges	153				
							3,839.00
							152.53
Advances Under Loan Contract:							
Title Search	\$50.00	Tax Certificate	\$0.00	Inspection	\$0.00	360.00	
Other	\$310.00						
Legal Fees:						1,551.00	
					A = TOTAL PRE-PETITION AMOUNT		5,902.53
POST-PETITION AMENDED:							
0	payments of	\$349.00	each one				
		Late Charge	0				
		Post Petition Legal Fees					
							0.00
							0.00
							0.00
					B = TOTAL POST-PETITION AMOUNT		0.00
POST-PETITION AMOUNT:							
3	payments of	\$349.00	each one				
		Late Charge	\$69.80				
		Post Petition Legal Fees	\$0.00				
							1,047.00
							69.80
							0.00
					C = TOTAL POST-PETITION AMOUNT		1,116.80
							7,019.33
TOTAL AMOUNT IN ARREARS							
OTHER INFORMATION							
Next pymt due	11/01/15	Interest rate	7.000%	P & I	\$336.38	Monthly late charge	\$13.96
Investor	Banco Popular	Property address	A-104 CALLE 2 URB VALLE DE YABUCOA, YABUCOA PR 00767				
<p>The subscribing representative of Banco Popular de Puerto Rico declares under penalty of perjury that according to the information gathered by Banco Popular de Puerto Rico the foregoing is true and correct.</p>							
<p><i>José A. Colón Rivera</i></p>				<p>11/10/16</p>			
<p>BANCO POPULAR DE PUERTO RICO</p>				<p>DATE</p>			

Label Matrix for local noticing
0104-3
Case 14-03840-ESL13
District of Puerto Rico
Old San Juan
Fri Nov 11 14:58:50 AST 2016

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TORRE CHARDON STE 1201
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SAN JUAN, PR 00918-2124

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Jefferson Capital Systems
PO Box 7999
Saint Cloud, MN 56302-7999

(d)Jefferson Capital Systems LLC
Po Box 7999
Saint Cloud Mn 56302-9617

End of Label Matrix	
Mailable recipients	47
Bypassed recipients	0
Total	47